

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HARTFORD CASUALTY INSURANCE COMPANY, an Indiana Corporation,

Plaintiff,

v.

FIREMAN'S FUND INSURANCE COMPANY, a California Corporation; BURNS & WILCOX INSURANCE SERVICES, INC., a California Corporation, and DOES 1 to 50,

Defendants.

AND RELATED CROSS ACTIONS.

Case No.: 3:15-cv-02592 SI

Date:

Time:

Place: Courtroom 1, 17th Floor

Hon. Susan Illston

Trial Date: 11/14/2016

Action Filed: 06/10/2015

VERDICT FORM FOR EQUITABLE INDEMNITY CLAIM

If you find that BURNS & WILCOX INSURANCE SERVICES, INC., is liable to HARTFORD CASUALTY INSURANCE COMPANY, please answer the following questions:

1. Was MOSEN O'HADI negligent in failing to obtain the insurance requested by HERNDON PARTNERS, LLC?

YES NO

If you answered "Yes" to question 1, proceed to question 2.

If you answered "No" to question 1, proceed to the end of the document and sign.

2. Was MOSEN O'HADI's negligence in failing to obtain the insurance requested by HERNDON PARTNERS, LLC, a substantial factor in causing HERNDON PARTNERS, LLC's harm?

YES NO

If you answered "Yes" to question 2, proceed to question 3.

If you answered "No" to question 2, proceed to the end of the document and sign.

3. Was HARTFORD CASUALTY INSURANCE COMPANY negligent?

YES NO

If you answered “Yes” to question 3, proceed to question 4.

If you answered “No” to questions 3, proceed to 6.

4. Was HARTFORD CASUALTY INSURANCE COMPANY’s negligence a substantial factor in causing HERNDON PARTNERS, LLC’s harm?

YES NO

If you answered “Yes” to question 4, proceed to question 5.

If you answered “No” to questions 4, proceed to 6.

5. Was HARTFORD CASUALTY INSURANCE COMPANY’s negligence (e.g., in failing to settle the underlying wrongful death case for its policy limits) a superseding cause to the negligence of MOSEN O’HADI in causing HERNDON PARTNERS, LLC, harm?

YES NO

If you answered “Yes” to question 5, proceed to the end of the document and sign.

If you answered “No” to questions 5, proceed to 6.

6. Was FIREMAN’S FUND INSURANCE COMPANY negligent?

YES NO

If you answered “Yes” to question 6, proceed to question 7.

If you answered “No” to questions 6, proceed to 9.

7. Was FIREMAN’S FUND INSURANCE COMPANY’s negligence a substantial factor in causing HERNDON PARTNERS, LLC’s harm?

YES NO

If you answered “Yes” to question 7, proceed to question 8.

If you answered “No” to questions 7, proceed to 9.

8. Was FIREMAN'S FUND INSURANCE COMPANY's negligence (e.g., in underwriting and/or adjustment of HERNDON PARTNERS, LLC's insurance claim) a superseding cause to the negligence of MOSEN O'HADI in causing HERNDON PARTNERS, LLC's harm?

YES NO

If you answered "Yes" to question 8, proceed to the end of the document and sign.

If you answered "No" to questions 8, proceed to 9.

9. Was HERNDON PARTNERS, LLC, negligent?

YES NO

If you answered "Yes" to question 9, proceed to question 10.

If you answered "No" to questions 9, proceed to 11.

10. Was HERNDON PARTNERS, LLC's negligence a substantial factor in causing HERNDON PARTNERS, LLC's harm?

YES NO

If you answered "Yes" to question 10, proceed to question 11.

If you answered "No" to questions 10, proceed to 11.

11. Was PAUL OWHADI negligent?

YES NO

If you answered "Yes" to question 11, proceed to question 12.

If you answered "No" to questions 10, proceed to 13.

12. Was PAUL OWHADI's negligence a substantial factor in causing HERNDON PARTNERS, LLC's harm?

YES NO

If you answered "Yes" to question 12, proceed to question 13.

If you answered "No" to questions 12, proceed to 13.

13. Was BURNS & WILCOX INSURANCE SERVICES' negligence (e.g., after receipt of the insurance applications from Mosen O'Hadi and in its role as the wholesale broker) a superseding cause to the negligence of MOSEN O'HADI in causing HERNDON PARTNERS, LLC, harm?

YES NO

If you answered "Yes" to question 13, proceed to the end of the document and sign.

If you answered "No" to questions 13, proceed to 14.

14. What percentage of responsibility for the harm to HERNDON PARTNERS, LLC, do you assign to the following?

BURNS & WILCOX INSURANCE SERVICES, INC. _____ %

MOSEN O'HADI _____ %

FIREMAN'S FUND INSURANCE COMPANY _____ %

HERNDON PARTNERS, LLC _____ %

PAUL OWHADI _____ %

HARTFORD CASUALTY INSURANCE COMPANY _____ %

Please sign and date the verdict form.

Signed: _____
Presiding Juror

Dated: _____

After the verdict form has been signed, notify the bailiff that you are ready to present your verdict in the courtroom.